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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187792
Party	Plaintiff Gonzaga University
Correspondence Address	Alicia Grahn Jones Kilpatrick Stockton LLP 1100 Peachtree Street, Suite 2800 Atlanta, GA 30309 UNITED STATES aljones@kilstock.com, chenn@kilstock.com, kteilhaber@kilstock.com, tmadmin@kilstock.com
Submission	Other Motions/Papers
Filer's Name	Nichole Davis Chollet
Filer's e-mail	NChollet@kilstock.com, ALJones@kilstock.com, CHenn@kilstock.com, kteilhaber@kilstock.com, tmadmin@kilstock.com
Signature	/Nichole Davis Chollet/
Date	04/02/2010
Attachments	Corporation of Gonzaga University v. Super Bakery_Unopposed Motion to Suspen Proceeding.pdf ( 3 pages )(13490 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORPORATION OF GONZAGA	)	
UNIVERSITY d/b/a GONZAGA	)	
UNIVERSITY,	)	
	)	
Opposer,	)	
v.	)	In the matter of Application
	)	Serial No. 77/382,118
	)	for the mark BULLDOGADE
	)	Opposition No. 91187792
SUPER BAKERY, INC.,	)	
	)	
	)	
Applicant.	)	

**OPPOSER’S UNOPPOSED MOTION TO SUSPEND PROCEEDING**

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.02(a), Opposer, Corporation of Gonzaga University, doing business as Gonzaga University (“Gonzaga”) moves to suspend the above-cited proceeding pending the Board’s disposition of the motion for summary judgment pending in *University of Georgia Athletic Assoc., Inc. v. Super Bakery, Inc.*, Opposition No. 91187796.

Under Trademark Law 2.117(c), the Board may, in its discretion, suspend proceedings pending the resolution of a related case, “[w]henever it shall come to the attention of the [Board] that a party or parties to a pending case are engaged in . . . another Board proceeding which may have a bearing on the case.” As the wording of this Rule plainly states, the “related proceeding” need not involve the same parties in order for suspension to be granted. Indeed, in *Argo & Co., Inc. v. Carpetsheen Manufacturing, Inc.*, the Board granted a motion to suspend the opposition proceedings despite the fact that opposer was not involved in the related state litigation. 187 U.S.P.Q. 366, 367 (T.T.A.B. 1975); *see also* TBMP § 510.02(a).

Here, Gonzaga and the University of Georgia Athletic Association, Inc. (“UGA”) have both filed separate opposition actions against Applicant’s application to register the mark BULLDOGADE (Serial No. 77/382,118). In *University of Georgia Athletic Assoc., Inc. v. Super Bakery, Inc.*, UGA filed a motion for summary judgment, which is scheduled to be taken up for consideration on April 5, 2010. See Opp. No. 91187796, Dkt. Nos. 5, 22. While the disposition of UGA’s motion for summary judgment is not necessarily determinative of the issues in this opposition, it could have a bearing on the parties’ claims and defenses in the current opposition. See *Argo & Co., Inc.*, 187 U.S.P.Q. at 367 (state court proceeding found to have a bearing on the issues involved in the opposition where the determination of the state action could potentially result in the applicant’s right to file the application being declared *void ab initio*). Accordingly, Gonzaga submits this unopposed motion to suspend the instant action pending the disposition of UGA’s motion for summary judgment in *University of Georgia Athletic Assoc., Inc. v. Super Bakery, Inc.*

On March 31, 2010, Counsel for Opposer, Alicia Grahn Jones, conferred with Counsel for Applicant, David Oberdick, and Applicant did not oppose this motion.

Dated: April 2, 2010

Respectfully submitted,

/s/Nichole Davis Chollet  
R. Charles Henn Jr.  
Alicia Grahn Jones  
Nichole Davis Chollet  
KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530

*Attorneys for Opposer*

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UNIVERSITY d/b/a GONZAGA	)	
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	)	for the mark BULLDOGADE
	)	Opposition No. 91187792
SUPER BAKERY, INC.,	)	
	)	
	)	
Applicant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing UNOPPOSED MOTION TO SUSPEND PROCEEDING has been served on counsel for Applicant by mailing a copy on April 2, 2010, via first Class Mail, postage pre-paid, and addressed as follows:

David G. Oberdick  
Meyer, Unkovic & Scott LLP  
535 Smithfield Street Suite 1300  
Pittsburgh, PA 15222

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/s/Nichole Davis Chollet  
Nichole Davis Chollet  
*Attorney for Opposer*

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing UNOPPOSED MOTION TO SUSPEND PROCEEDING is being filed electronically with the TTAB via ESTTA on this day, April 2, 2010.

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

\_\_\_\_\_  
/s/Nichole Davis Chollet  
Nichole Davis Chollet  
*Attorney for Opposer*